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8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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JAMES W. CALLOWAY,

Case No. C 02-05882 RMW

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Petitioner,

JUDGMENT

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v.

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RANDY GROUNDS, Warden,

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Respondent.

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It is hereby adjudged that petitioner James Wilson Calloway's petition for writ of habeas corpus is granted. Petitioner's sentence is vacated. Respondent shall release petitioner from custody absent further order of the Superior Court of San Mateo County and absent commencement of resentencing proceedings in a manner consistent with the views stated in the Ninth Circuit's memorandum decision and the precedent case *Wilson v. Knowles*, 638 F.3d 1213 (9th Cir. 2011). Any such resentencing shall be commenced within 45 days of the date of service of this order on the San Mateo County District Attorney's office.

Dated: February 5, 2013


The Honorable Ronald M. Whyte